1 The Hon. Robert S. Lasnik 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 10 UNITED STATES OF AMERICA, No. CR20-100-RSL 11 Plaintiff, PRELIMINARY ORDER 12 v. **OF FORFEITURE** 13 ZACKARY D. SALAS. 14 Defendant. 15 16 17 THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, 18 19 Defendant Zackary D. Salas's interest in the following property: 20 \$55,285 in U.S. Currency, seized on or about May 28, 2020 from 1. Defendant Zackary Salas's residence in Bellingham, Washington; 21 2. \$1,055 in U.S. Currency, seized on or about May 28, 2020 from Defendant 22 Zackary Salas's residence in Bellingham, Washington; and, 23 3. \$540 in U.S. Currency, seized on or about May 28, 2020 from Defendant 24 Zackary Salas in Bellingham, Washington. 25 26 The Court, having reviewed the United States' Motion, as well as the other papers 27 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of 28 Forfeiture is appropriate because:

- The above-identified property is forfeitable pursuant to 21 U.S.C. § 853, as it was proceeds of, or facilitated, the Defendant's commission of *Conspiracy to Distribute Controlled Substances*, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846; and,
- Pursuant to the Plea Agreement he entered on May 5, 2021, the Defendant agreed to forfeit his interest in the above-identified property pursuant to 21 U.S.C. § 853. Dkt. No. 75, ¶ 12.

NOW, THEREFORE, THE COURT ORDERS:

- 1. Pursuant to 21 U.S.C. § 853 and his Plea Agreement, the Defendant's interest in the above-identified property is fully and finally forfeited, in its entirety, to the United States;
- 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to the Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;
- 3. The U.S. Department of Justice, Drug Enforcement Agency, and/or its authorized agents or representatives, shall maintain the property in their custody and control until further order of this Court;
- 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the property as permitted by governing law. The notice shall be posted on an official government website—currently, www.forfeiture.gov—for at least thirty (30) days. For any person known to have alleged an interest in the property, the United States shall also, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or

1 within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice 2 shall advise all interested persons that the petition: 3 shall be for a hearing to adjudicate the validity of the petitioner's a. alleged interest in the property; 4 shall be signed by the petitioner under penalty of perjury; and b. 5 shall set forth the nature and extent of the petitioner's right, title, or c. 6 interest in the property, as well as any facts supporting the 7 petitioner's claim and the specific relief sought. 8 5. If no third-party petition is filed within the allowable time period, the 9 United States shall have clear title to the property, and this Preliminary Order shall 10 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2); 11 6. If a third-party petition is filed, upon a showing that discovery is necessary 12 to resolve factual issues it presents, discovery may be conducted in accordance with the 13 Federal Rules of Civil Procedure before any hearing on the petition is held. Following 14 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, 15 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that 16 adjudication; and 17 7. The Court will retain jurisdiction for the purpose of enforcing this 18 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of 19 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to 20 Fed. R. Crim. P. 32.2(e). 21 IT IS SO ORDERED. 22 DATED this 25th day of 23 2021. 24 MMS Casnik 25 26 THE HON, ROBERT S. LASNIK 27 UNITED STATES DISTRICT JUDGE 28

1	Presented by:
2 3	
3	<u>s/ Krista K. Bush</u> KRISTA K. BUSH
4	Assistant United States Attorney
5	United States Attorney's Office 700 Stewart St., Suite 5220
6	Seattle, WA 98101
7	(206) 553-2242 <u>Krista.Bush@usdoj.gov</u>
8	Mista. Dush@usdoj.gov
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	